

Application for United States Patent

### Declaration and Power of Attorney

As the below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below.

I believe I am the original inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Method and Apparatus for Manual Delivery of Volume and Pressure-Control Artificial Ventilation** the specification of which:

[x] is attached hereto

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). \*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign<br/>Application(s)</u> | <u>Country</u> | <u>Day/Month/Year Filed</u> | <u>Priority Claimed</u> |
|---|----------------|-----------------------------|-------------------------|
| N/A                                     |                |                             |                         |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| <u>Application Serial Number</u> | <u>Filing Date</u> | <u>Status</u> (Patented, Pending, Abandoned) |
|----------------------------------|--------------------|--|
| 60/263,426                       | 01/23/2001         | Expired                                      |
| 10/055,562                       | 01/23/2002         | Pending                                      |


Docket No.: 0201-001 (a)

Power of Attorney: As the named inventor, I hereby appoint as Robert G. Lev; registration number 30,280 of 4766 Michigan Boulevard Youngstown, Ohio 44505 as attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

All correspondence should be directed to Robert G. Lev 4766 Michigan Boulevard Youngstown, Ohio 44505. All phone Telephone calls should be directed to Robert G. Lev (330) 759-1423.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: Michael D. Maguire

Signature:  Date: 3/15/04  
Residence: 513 Adams Street, # 408, Toledo, Ohio 43604  
Citizenship: Citizen of the U.S.A.

\*Title 37, Code of Federal Regulations, §1.56(a):

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the patentability of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

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Applicant or Patentee: Michael Maguire Attorney's Docket No.: 0201-001 (a)  
Serial or Patent No.: \_\_\_\_\_  
For: Method and Apparatus for Manual Delivery of Volume and Pressure-Control Artificial Ventilation

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37) CFR 1.9 (F) AND 1.27 (C) - SMALL ENTITY CONCERN**

I hereby declare that I am

☒ an individual inventor.

I hereby declare that the above identified small business concern qualified as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reproduced fees under section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or has the control to power both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Method and Apparatus for Manual Delivery of Volume and Pressure-Control Artificial Ventilation by inventor Michael Maguire described in


- ☒ the specification filed herewith,
- ☐ application Serial No., filed,
- ☐ patent no., issued,

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to this invention listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9 (c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization having rights to the invention averring to their status as small entities. (37CFR 1.27)

☒ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28 (b))

I hereby declare that all statements made herein are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
\_\_\_\_\_  
Michael Maguire  
Individual Inventor  
513 Adams Street, # 408, Toledo, Ohio 43604

Date: 3/15/04

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